

Generative Artificial Intelligence Policy



Maine State Government Department of Administrative and Financial Services Office of Information Technology (OIT)

Generative Artificial Intelligence (GenAI) Policy

1.0. Statement

- 1.1. The purpose of this policy is to specify Guiding Principles and Directives which act as the guardrails for responsible, transparent, and ethical use of GenAI within the Executive Branch of Maine State Government.
- 1.2. The rapid rise in GenAI technologies has been widely acknowledged as unprecedented. It holds significant potential for enhancing state government efficiency through automation, data analysis, streamlining processes, and optimizing resource allocation. By harnessing its potential, agencies can more efficiently identify areas of cost-saving measures and greatly enhance citizen services. However, the risks to privacy, security, the State's workforce, safety, government accountability, and fundamental human rights are just beginning to be understood. Many of these tools lack transparency in their design, making it challenging to assess the risks involved with their use. Further, their development often involves the ingestion of data not vetted by the State. Absent appropriate safeguards, the use of these technologies opens the door to significant risks, including inaccuracies, algorithmic bias, unauthorized use of intellectual property, privacy and security vulnerabilities, severe bias, and false information. Additionally, GenAI can be leveraged by malicious cyber for a number of nefarious purposes, including but not limited to, opening new physical and digital security vulnerabilities, generating misinformation campaigns, and assisting with sophisticated social engineering attacks. It is essential to establish safeguards necessary to allow for the responsible use of GenAI tools. Creating a transparent and collaborative GenAI deployment process and creating upskilling programs that support effective transition to this technology ensures the protection of Maine citizens and the data entrusted to the State.

2.0. Definitions

- 2.1. *Generative Artificial Intelligence (GenAI)*: Umbrella term for technologies that synthesize content mirroring human creativity. Encompassing machine learning and language models, GenAI generates human-like text, audio, imagery, video, and other digital content.
- 2.2. *Embedded GenAI*: GenAI capabilities added into a tool or product that has previously been vetted, and utilized, by the State of Maine. The primary purpose of the tool or product is *not* GenAI.

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- 2.3. *Human in the Loop (HITL)*: The mechanism where human judgment and decision-making are integrated into GenAI outputs. This approach ensures that while machines handle tasks with speed and efficiency, humans oversee, guide, and intervene when necessary.
- 2.4. *Information Assets*: The full spectrum of all I.T. products, including business applications, system software, development tools, utilities, appliances, etc.
- 2.5. *Private GenAI*: GenAI tools that are specific to an entity or organization and their data. Private GenAI tools are developed in-house by the State for its own use or obtained from a third-party vendor. These systems are configured in a way that ensures the State's sensitive data is segmented from other Training Data and accessible to only the State or organization that owns it.
- 2.6. *Public GenAI*: GenAI tools that are openly available to multiple entities, organizations, or the general public and use widely sourced data from the internet, as well as data from users or customers to train the GenAI model. Public GenAI tools do not guarantee the privacy of data input by users, entities, or organizations. Additionally, Training Data and models are not owned by a public organization unless otherwise noted.
- 2.7. *Training Data*: Data used to train a large language model and other predictive algorithms.
- 3.0. Applicability**
 - 3.1. This Policy applies to:
 - 3.1.1. The Maine State Executive Branch, including all agencies, departments, commissions, committees, authorities, divisions, boards, or other administrative units, that operate under the direction of the Governor;
 - 3.1.2. All Personnel, both employees and contractors/vendors, within the Maine State Executive Branch;
 - 3.1.3. All Information Assets in use within the Maine State Executive Branch; and
 - 3.1.4. Information Assets from other branches of Maine State Government that are reliant upon the State Wide Area Network (WAN) for their operation.
- 4.0. Responsibilities**
 - 4.1. Agency Management:
 - 4.1.1. Ensures that their personnel are aware of, and compliant with, this Policy;
 - 4.1.2. Ensures that any approved GenAI usage is managed in compliance with this Policy; and
 - 4.1.3. Collaborates with the Chief Information Officer (CIO) in executing and enforcing this Policy.
 - 4.1.4. Informs OIT of relevant changes to existing-software under section 6.14
 - 4.2. Chief Information Security Officer (CISO):

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- 4.2.1. Resolves any conflicts under this Policy;
- 4.2.2. Determines the risk associated with GenAI tools/products; and
- 4.2.3. Collaborates with Agency Management in executing and enforcing this Policy.
- 4.3. Chief Information Officer (CIO):
 - 4.3.1. Owns and interprets this Policy.
- 4.4. OIT Architecture and Policy:
 - 4.4.1. Vets all net-new Information Assets before permitted usage.
- 4.5. OIT Account Managers:
 - 4.5.1. Liases with Agency Management in executing and enforcing this Policy.

5.0. Principles

- 5.1. The following Guiding Principles serve as guardrails for use of GenAI within the Executive Branch of Maine State Government. These Principles were informed by a variety of sources, including the [NIST Artificial Intelligence Risk Management Framework \(AI RMF 1.0\)](#)¹ and the [White House Blueprint for an AI Bill of Rights](#).² The following Principles are intended to guide personnel in the responsible development, deployment, and use of GenAI on the State's IT enterprise:
 - 5.1.1. **Valid and Reliable:** The GenAI tool should consistently produce verifiable results and dependable outcomes under the conditions of expected use. Its robustness is equally essential, with the tool maintaining its performance under a variety of circumstances. The tool's accuracy must be evaluated and managed throughout the application lifecycle to ensure the tool's outputs are trustworthy and can be confidently relied upon.
 - 5.1.2. **Safe, Secure, and Resilient:** Securing the State's Information Assets is essential to the State IT enterprise's mission. GenAI tools must be evaluated for their safety, security, and resiliency to ensure the confidentiality, integrity, and availability of State data. These tools must adhere to established information security policies, procedures, and best practices to mitigate risk and protect against unauthorized access and misuse of data.
 - 5.1.3. **Accountable and Transparent:** GenAI tools should appropriately detail the processes for generating outputs and ensuring users have access to relevant information behind its decisions and operations. This includes traceability, explainability, communication regarding the sources of training data, and being able to attribute the tool's outputs to specific data subsets when necessary. Mechanisms will be employed to identify responsibilities, to provide accountability for the use of GenAI and its outcomes, and to be reviewed for compliance with applicable laws and regulations prior to use.
 - 5.1.4. **Explainable and Interpretable:** The GenAI models and outputs are easily interpreted and explained to the greatest extent possible, ensuring that users

¹ <https://nvlpubs.nist.gov/nistpubs/ai/NIST.AI.100-1.pdf>

² <https://www.whitehouse.gov/wp-content/uploads/2022/10/Blueprint-for-an-AI-Bill-of-Rights.pdf>

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can grasp both the mechanics (how), and the meaningful context (why), of the tool's decision and/or outputs, particularly regarding its impact on decisions and/or outputs impacting sensitive and confidential data.

- 5.1.5. **Privacy-Enhanced:** All applicable laws, regulations, policies, and procedures governing the privacy, quality, and integrity of State of Maine data must be applied in the development and use cases for all GenAI tools.
- 5.1.6. **Fair, with Harmful Bias Managed:** The GenAI tool should be under continuous scrutiny to identify and mitigate potential impacts arising from data, human or algorithmic bias, to the greatest extent possible. Given the potential for these tools to amplify existing biases, continuous monitoring and proactive interventions shall prioritize countermeasures to reduce the risk of harmful bias or discrimination and uphold fairness.

6.0. Directives

- 6.1. This policy supersedes the Chief Information Officer's GenAI Moratorium.
- 6.2. All personnel must adhere to the Guiding Principles in 5.1 when using GenAI to enable the delivery of government services.
- 6.3. An output from a GenAI tool must *never* be:
 - 6.3.1. Used without a review; or
 - 6.3.2. Be assumed to be truthful, or accurate, or credible, or trustworthy; or
 - 6.3.3. Be used as the sole source of reference; or
 - 6.3.4. Be used *in total* to issue official statement (i.e. policy, legislation, or regulations); or
 - 6.3.5. Be used to arrive at a final decision; or
 - 6.3.6. Be used to impersonate individuals or organizations.
- 6.4. Should a GenAI tool be used to generate a batch output, then an appropriate Agency expert must use their domain knowledge to vet that batch output through appropriate statistical sampling techniques.
- 6.5. Before being disseminated, or otherwise acted upon, any output from a GenAI tool must *always* be:
 - 6.5.1. Vetted by an appropriate agency human operator (HITL), and the organizational level/standing of the agency human operator should be commensurate with the significance/impact of the underlying content.
 - 6.5.2. At a minimum, this vetting must account for accuracy, appropriateness, privacy, and security.
- 6.6. For any external document that incorporates GenAI output, an explicit disclosure/attribution is recommended, at the discretion of the agency. Such a disclosure/attribution may be achieved by a notation in the footnote, or header, or any comparable means.

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- 6.7. Sensitive or confidential information ([TLP: Amber or Red³](#)) protected from disclosure under federal or state statutes or regulations, as well as any information protected from disclosure under Maine's Freedom of Access Act, must *never* be used as an input to a GenAI tool, or used in GenAI queries, or for building or training GenAI tools. Further, under no circumstances may personnel provide State of Maine data classified as [non-public data \(TLP: Green or Amber or Red⁴\)](#) to a publicly accessible GenAI tool.
- 6.8. For a GenAI tool that allows such a feature, the history of usage must be disabled (i.e., turned off).
- 6.9. Material that is proprietary, or otherwise copyrighted, must *never* be used as an input to a GenAI tool.
- 6.10. GenAI must *never* be used by personnel for any activity that violates any federal or state laws, regulations, policies, or procedures.
- 6.11. Any vendor and/or contractor creating any Information Asset for the State of Maine Executive Branch must explicitly declare any usage of GenAI, especially the nature of the data used as input, and be subject to a risk assessment during the procurement process.
- 6.12. OIT will continuously maintain a webpage [Generative AI Tools and Acceptable Use⁵](#) (internal-only) that lists the GenAI tools and use cases that are currently approved for usage within the Executive Branch of Maine State Government. Any such usage is explicitly subject to *all* stipulations detailed in this Policy. The tools listed on the website are subject to removal, compensating controls, or conversion to an enterprise-based GenAI offering, at the discretion of the CISO such that risks to the confidentiality, integrity, and availability of State data are appropriately managed and rigorous information security standards and safeguards are in place to support scaling GenAI usage at the enterprise level. Any GenAI tool or use case *not* explicitly approved on this webpage is expressly prohibited from use within the Executive Branch of Maine State Government.
- 6.13. Any application/tool/product/information asset that has previously been vetted and approved through the OIT New Technology workflow, but which now embeds GenAI, shall continue to stay approved, unless such an approval has been explicitly rescinded by the CISO/CIO.

³ <https://www.maine.gov/oit/sites/maine.gov.oit/files/inline-files/DataClassificationPolicy.pdf>

⁴ <https://www.maine.gov/oit/sites/maine.gov.oit/files/inline-files/DataClassificationPolicy.pdf>

⁵ <https://stateofmaine.sharepoint.com/sites/MaineIT-Security/Shared%20Documents/Policies/GenAIToolsandAcceptableUse.pdf>

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- 6.14. Existing pre-approved tools must be reviewed at least annually, or more frequently if the agency is notified of changes to terms & conditions or platform changes which incorporate the use of GenAI, to ensure ongoing compliance with all state-set software usage and AI usage policies.
- 6.15. For any privacy concerns, absent an Agency Privacy Officer, contact the Enterprise Architect mailbox listed at the end of this document.

7.0. Account Creation

- 7.1.1. GenAI tools often require that users enter an email address to register and create an account. Users who are utilizing an approved Public GenAI tool for State purposes, must use their State e-mail address for registration and account creation purposes.
- 7.1.2. Once created, the account associated with a user's State e-mail address must be used solely for State business purposes. Personal use of Public GenAI from an account using a State e-mail is prohibited.
- 7.1.3. Upon completion of the registration and the account creation process, users must opt-out of data sharing and disable the chat history within the Public GenAI system. If unable to opt-out, the user must contact OIT prior to using the Public GenAI system.

8.0. Compliance

- 8.1. For employees, failure to comply with this policy may result in progressive discipline, up to and including dismissal.
- 8.2. For contractors, and non-State of Maine personnel, failure to comply may result in removal of the individual's ability to access and use State of Maine Information Assets. Employers of non-State of Maine personnel will be notified of any violations.

8.0. Document Information

- 8.1. Initial Issue Date: 19 July 2024
- 8.2. Latest Revision Date: 17 September 2024
- 8.3. Point of Contact: Enterprise.Architect@Maine.Gov
- 8.4. Approved By: Chief Information Officer, OIT
- 8.5. Legal Citation: [Title 5, Chapter 163: Office of Information Technology](#)⁶
- 8.6. Waiver Process: [Waiver Policy](#)⁷
- 8.7. Distribution: [Internet](#)⁸

⁶ <https://legislature.maine.gov/statutes/5/title5ch163sec0.html>

⁷ <https://www.maine.gov/oit/policies/waiver.pdf>

⁸ <https://www.maine.gov/oit/policies-standards>